

EXHIBIT 106

DEPOSITION OF STAN LEE

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STAN LEE,)
)
PLAINTIFF,)
)
VS.) CASE NO. 02-CV-8945
) (RSS)
MARVEL ENTERPRISES, INC.,)
AND MARVEL CHARACTERS,)
INC.,)
)
DEFENDANTS.)
)

DEPOSITION OF STAN LEE, TAKEN ON
BEHALF OF THE DEFENDANTS, AT 515
SOUTH FLOWER STREET, 25TH FLOOR,
LOS ANGELES, CALIFORNIA, COMMENCING
AT 10:09 A.M., TUESDAY, NOVEMBER 18,
2003, BEFORE KELLI C. NORDEN, CSR
NUMBER 7200.

DEPOSITION OF STAN LEE

1 APPEARANCES OF COUNSEL:

2

3 FOR THE PLAINTIFF:

4

DICKSTEIN SHAPIRO MORIN & OSHINSKY
BY: JUDITH R. COHEN, ESQ.

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- AND -

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FOR THE DEFENDANTS:

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ELI BARD, ESQ., MARVEL ENTERPRISES

19

LISA LEVOTE, LEGAL VIDEO SERVICES

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DEPOSITION OF STAN LEE

I N D E X

DEPONENT:	EXAMINED BY:	PAGE:
STAN LEE	MR. FLEISCHER	11
	(AFTERNOON SESSION)	102

EXHIBITS MARKED FOR IDENTIFICATION:

DEFENDANTS' :

(BOUND UNDER SEPARATE COVER)

- | | | | |
|---|---|--|----|
| 1 | - | LETTER TO MR. LEE FROM MR. FEINBERG
OF CADENCE DATED 4-9-76 (3 PAGES) | 28 |
| 2 | - | LETTER TO MR. LEE FROM MR. FREEDMAN
OF CADENCE DATED 1-15-80 (5 PAGES) | 31 |
| 3 | - | LETTER TO MR. LEE FROM MARVEL
ENTERTAINMENT GROUP DATED AS OF
4-1-80 (9 PAGES) | 33 |
| 4 | - | LETTER TO MR. LEE FROM MARVEL
ENTERTAINMENT GROUP DATED AS OF
4-1-80 (3 PAGES) | 37 |
| 5 | - | LETTER TO MR. GALTON OF MARVEL
ENTERTAINMENT GROUP, FROM MR.
TABACHNICK OF WOLF, RIFKIN, DATED
11-8-85 (12 PAGES) | 48 |
| 6 | - | CADENCE INTERNAL CORRESPONDENCE RE
STAN LEE DATED 11-10-85 (2 PAGES) | 50 |
| 7 | - | LETTER TO MR. TABACHNICK FROM MR.
CALAMARI DATED 11-19-85 (3 PAGES) | 57 |

DEPOSITION OF STAN LEE

I N D E X (CONTINUED)

EXHIBITS MARKED FOR IDENTIFICATION:

DEFENDANTS':

(BOUND UNDER SEPARATE COVER)

8	- LETTER TO MR. GOODKIND OF ENGEL & ENGEL FROM MR. BIERSTEDT OF NEW WORLD PICTURES DATED 3-29-88 (16 PAGES)	58
9	- LETTER TO MR. LEE FROM MR. GALTON OF CADENCE DATED 3-7-85 (3 PAGES)	63
10	- LETTER TO MR. BEVINS OF THE ANDREWS GROUP FROM MR. BIERSTEDT DATED 3-24-89 (3 PAGES)	73
11	- LETTER TO MR. ZEMELMAN OF NEW WORLD ENTERTAINMENT FROM MR. BIERSTEDT DATED 7-31-89 (1 PAGE)	77
12	- LETTER TO MR. ZEMELMAN FROM MR. BIERSTEDT DATED 10-16-89 (1 PAGE)	100
13	- LETTER TO MR. ZEMELMAN FROM MR. BIERSTEDT DATED 9-25-89 (4 PAGES)	102
14	- LETTER TO MR. ZEMELMAN FROM MR. BIERSTEDT DATED 11-21-89 (1 PAGE)	114
15	- FAX TO MR. BIERSTEDT FROM MR. ZEMELMAN FAX DATED AT THE TOP OF THE PAGE 12-22-89 (4 PAGES)	115
16	- LETTER TO MR. ZEMELMAN FROM MR. BIERSTEDT DATED 1-3-90 (2 PAGES)	120
17	- LETTER TO MR. LEE FROM MARVEL ENTERTAINMENT GROUP DATED 12-22-89 (3 PAGES)	124
18	- LETTER TO MR. ZEMELMAN FROM MR. BIERSTEDT DATED 2-5-90 (1 PAGE)	130

DEPOSITION OF STAN LEE

1	I N D E X (CONTINUED)	
2		
3	EXHIBITS MARKED FOR IDENTIFICATION:	
4	DEFENDANTS':	
5	(BOUND UNDER SEPARATE COVER)	
6	19 - LETTER TO MR. LEE FROM MARVEL	
7	ENTERTAINMENT GROUP DATED 12-1-93	
	(3 PAGES)	149
8	20 - LETTER TO MR. BEVINS FROM MR.	
9	BIERSTEDT DATED 3-7-94 (3 PAGES)	154
10	21 - LETTER TO MR. BEVINS FROM MR.	
	BIERSTEDT DATED 3-11-94 (7 PAGES)	158
11	22 - LETTER TO MR. LEE FROM MARVEL	
12	ENTERTAINMENT GROUP DATED AS OF	
	4-1-94 (3 PAGES)	169
13	23 - FAX TO MR. BIERSTEDT FROM MR.	
14	SHAPIRO DATED 4-11-94 (10 PAGES)	173
15	24 - LETTER TO MR. LEE FROM MARVEL	
	ENTERTAINMENT GROUP DATED	
16	4-12-94 (5 PAGES)	175
17	25 - LETTER TO MR. LEE FROM MARVEL	
	ENTERTAINMENT GROUP DATED 4-12-94	
18	(4 PAGES)	175
19	26 - LETTER TO MR. LEE FROM MS. BURKE OF	
	MARVEL ENTERTAINMENT GROUP DATED	
20	7-31-95 (1 PAGE)	177
21	27 - ASSIGNMENT OF EMPLOYMENT AGREEMENT	
	(5 PAGES)	181
22	28 - LETTER TO MR. LEE FROM MR. ISKO OF	
23	MARVEL ENTERTAINMENT GROUP DATED	
	2-5-97 (2 PAGES)	183
24	29 - LETTER TO MR. LEE FROM MARVEL	
25	ENTERTAINMENT GROUP DATED AS OF	
	11-1-98 (13 PAGES)	193

DEPOSITION OF STAN LEE

I N D E X (CONTINUED)

EXHIBITS MARKED FOR IDENTIFICATION:

DEFENDANTS':

(BOUND UNDER SEPARATE COVER)

30	- LETTER TO MR. LEE FROM MR. LIEBERMAN DATED 10-19-98 (2 PAGES)	204
31	- LETTER TO MR. LEE FROM STAN LEE ENTERTAINMENT INC. DATED 10-15-98 (5 PAGES)	222

INFORMATION REQUESTED:

(NONE)

QUESTIONS UNANSWERED BY THE DEPONENT:

(NONE)

DEPOSITION OF STAN LEE

10:11:12 1 ENTERED THE MILITARY SERVICE?

10:11:19 2 A. YES. I BELIEVE IT WAS -- LET'S
10:11:20 3 SEE. I GOT OUT IN '45 AND I WAS THERE FOR THREE
10:11:23 4 YEARS, SO IT MUST HAVE BEEN 1942.

10:11:26 5 Q. SO DURING THAT TIME, I ASSUME YOU
10:11:27 6 DIDN'T FUNCTION AS THE EDITOR OF MARVEL?

10:11:29 7 A. NO. I GOT A REPLACEMENT FOR THOSE
10:11:31 8 THREE YEARS, BUT I DID WRITE FOR MARVEL.

10:11:39 9 Q. DURING THOSE THREE YEARS?

10:11:41 10 A. UH-HUH. YES.

10:11:42 11 Q. AND WHAT DID YOU WRITE, IF YOU CAN
10:11:44 12 RECALL?

10:11:45 13 A. COMIC STRIPS.

10:11:47 14 Q. DID YOU CREATE ANY CHARACTERS
10:11:49 15 DURING THOSE THREE YEARS THAT WERE PUBLISHED BY
10:11:53 16 MARVEL?

10:11:53 17 A. NO, I DON'T THINK SO. I THINK I
10:11:55 18 WROTE STORIES ABOUT EXISTING CHARACTERS.

10:11:57 19 Q. DO YOU RECALL WHAT THE NAMES OF
10:11:58 20 THOSE EXISTING CHARACTERS WERE?

10:12:00 21 A. NO. WELL, PROBABLY CAPTAIN AMERICA
10:12:03 22 AND A LOT OF OTHERS. I DON'T EVEN REMEMBER THE
10:12:17 23 NAMES.

10:12:17 24 Q. IN CONNECTION WITH YOUR WORK IN
10:12:19 25 COMICS, MR. LEE, WHAT ASPECT OF COMIC BOOK WORK IS

DEPOSITION OF STAN LEE

10:12:23 1 YOUR SPECIALTY?

10:12:29 2 A. WELL, ACTUALLY, I DID THREE THINGS.

10:12:31 3 I WAS THE EDITOR, I WAS THE ART DIRECTOR AND I WAS

10:12:34 4 THE HEAD WRITER. SO I WOULD SAY EDITING, ART

10:12:38 5 DIRECTING AND WRITING.

10:12:40 6 Q. IN YOUR CAPACITY AS AN ART

10:12:42 7 DIRECTOR, DID YOU DRAW ANY OF THE COMICS?

10:12:44 8 A. NO, BUT I DID ROUGH LAYOUTS AND I

10:12:48 9 HAD THE ARTIST DRAW -- I GAVE THEM INSTRUCTIONS ON

10:12:51 10 HOW TO DRAW EACH STRIP.

10:13:01 11 Q. AND WHEN YOU RETURNED FROM MILITARY

10:13:03 12 SERVICE AND REJOINED MARVEL, WAS THAT AS A

10:13:06 13 FULL-TIME EMPLOYEE?

10:13:07 14 A. YES.

10:13:07 15 Q. AND DID YOU REPORT TO MR. GOODMAN

10:13:10 16 AFTER RETURNING TO THE COMPANY?

10:13:13 17 A. YES.

10:13:13 18 Q. DID ANYONE REPORT TO YOU?

10:13:16 19 A. ALL OF THE ARTISTS AND WRITERS. AND

10:13:23 20 PRODUCTION PEOPLE.

10:13:27 21 Q. DID YOU HAVE A WRITTEN EMPLOYMENT

10:13:29 22 AGREEMENT WITH MARVEL AFTER YOU RETURNED FROM THE

10:13:34 23 SERVICE AND REJOINED --

10:13:34 24 A. I DON'T --

10:13:34 25 Q. -- THE COMPANY?

DEPOSITION OF STAN LEE

10:15:01 1 A. I DON'T THINK I DID. NOT THAT I
10:15:03 2 CAN REMEMBER.

10:15:08 3 Q. WOULD YOU BASICALLY DESCRIBE YOUR
10:15:10 4 DUTIES AND RESPONSIBILITIES AS THE EDITOR OF
10:15:14 5 MARVEL OR ITS PREDECESSOR COMPANY AT THE TIME THAT
10:15:18 6 YOU RESUMED THAT POST AFTER RETURNING FROM
10:15:21 7 MILITARY SERVICE IN OR ABOUT 1945.

10:15:26 8 A. WELL, IT WAS MY JOB TO DETERMINE
10:15:29 9 WHAT SCRIPTS -- ALONG WITH THE PUBLISHER, MARTIN
10:15:34 10 GOODMAN, TO DETERMINE WHAT STRIPS WE WOULD
10:15:36 11 PUBLISH, WHAT MATERIAL WE WOULD PUBLISH.

10:15:38 12 ONCE THAT DETERMINATION WAS MADE,
10:15:42 13 IT WAS UP TO ME TO HIRE THE ARTIST, TO EITHER
10:15:46 14 WRITE THE STORY MYSELF OR HIRE A WRITER.

10:15:50 15 IF I HIRED A WRITER, TO MAKE SURE
10:15:53 16 THAT HE WROTE THE STORY THE WAY I WANTED HIM TO
10:15:56 17 AND TO ALSO HIRE THE LETTERERS, THE INKERS, THE
10:16:01 18 COLORISTS, AND GENERALLY, TO MAKE SURE THAT THE
10:16:03 19 WORK WAS AS GOOD AS IT COULD BE.

10:16:09 20 Q. WAS THERE ANY DIFFERENCE IN THE WAY
10:16:10 21 YOU WERE COMPENSATED FOR WORK THAT YOU DID ON A
10:16:17 22 PARTICULAR SERIES OF COMIC BOOKS WHERE YOU HAD
10:16:23 23 CREATED THE STORY, WRITTEN THE STORY YOURSELF, AS
10:16:26 24 OPPOSED TO EDITING THE STORY WRITTEN BY SOMEONE
10:16:28 25 ELSE?

DEPOSITION OF STAN LEE

10:16:28 1 A. COULD YOU SAY THAT AGAIN?

10:16:31 2 Q. WERE YOU PAID ANY DIFFERENTLY IN
10:16:32 3 YOUR CAPACITY AS A WRITER VERSUS AN EDITOR?

10:16:35 4 A. OH, YES. AS AN EDITOR, I RECEIVED
10:16:38 5 A SALARY, BUT I HAD ALWAYS BEEN PAID FOR EVERY
10:16:44 6 STORY I WROTE AS THOUGH I WERE A FREELANCER. I
10:16:50 7 GOT PAID BY THE PAGE, AS ALL THE FREELANCERS DID
10:16:56 8 ALSO.

10:16:59 9 Q. OKAY. CAN YOU RECALL THE NAMES OF
10:17:01 10 THE CHARACTERS, TO THE EXTENT POSSIBLE, IN
10:17:06 11 CHRONOLOGICAL ORDER, THAT YOU WERE INVOLVED IN
10:17:11 12 CREATING AS A WRITER?

10:17:14 13 A. WE'D BE HERE ALL DAY, BUT I CAN --
10:17:18 14 MILLIE THE MODEL, ZIGGY PIG AND SILLY SEAL AND, I
10:17:25 15 THINK, THE DESTROYER.

10:17:29 16 AND YOU KNOW, THERE WERE SO MANY
10:17:33 17 AND I NEVER KNEW I'D BE QUESTIONED ABOUT IT HALF A
10:17:37 18 CENTURY LATER THAT I DIDN'T --

10:17:39 19 I DID SUPERHEROES; I DID WESTERN --
10:17:42 20 THERE WAS KID COLT OUTLAW; THERE WAS THE BLACK
10:17:47 21 RIDER; THERE WAS THE BLACK KNIGHT, THE TWO-GUN
10:17:54 22 KID, COMBAT KELLY, COMBAT CASEY, FLOOP AND
10:18:05 23 SKILLYBOO.

10:18:06 24 I MEAN, I COULD GO ON ALL MORNING.
10:18:08 25 I DID LITERALLY HUNDREDS OF WESTERNS, WAR STORIES,

DEPOSITION OF STAN LEE

10:19:01 1 TOWARDS THE LATTER PERIOD, WHEN WE
10:19:04 2 WERE HEAVILY INVESTED IN SUPERHEROES AND WHEN I
10:19:07 3 CHANGED THE NAME OF THE COMPANY TO "MARVEL COMICS"
10:19:13 4 AND WE DID THE STORIES THAT ARE NOW PRETTY WELL
10:19:15 5 KNOWN OR THE CHARACTERS THAT ARE WELL KNOWN, THERE
10:19:19 6 WERE A FEW ARTISTS THAT I WORKED WITH MORE THAN
10:19:21 7 OTHERS.

10:19:21 8 THERE WAS JACK KIRBY, STEVE DITKO,
10:19:26 9 JOHN ROMITA, GIL KANE, JOHN BUSCEMA AND A FEW
10:19:41 10 OTHERS.

11 BY MR. FLEISCHER:

10:19:41 12 Q. FOCUSING ON THE SUPERHERO GENRE --

10:19:45 13 A. UH-HUH.

10:19:46 14 Q. -- WOULD YOU IDENTIFY THE
10:19:49 15 CHARACTERS THAT YOU CONSIDER THE MOST ENDURING
10:19:52 16 THAT YOU CREATED AS A WRITER.

10:19:53 17 MS. COHEN: OBJECT TO FORM.

10:19:54 18 YOU MAY ANSWER.

10:19:56 19 THE DEPONENT: SPIDER-MAN, THE
10:19:59 20 X-MEN, THE INCREDIBLE HULK, DAREDEVIL, THE
10:20:09 21 FANTASTIC FOUR, IRON MAN, SERGEANT FURY AND HIS
10:20:17 22 HOWLING COMMANDOS, NICK FURY, AGENT OF SHIELD,
10:20:25 23 DOCTOR STRANGE, THE SILVER SURFER.

10:20:32 24 THOSE ARE THE ONES THAT COME TO
10:20:33 25 MIND RIGHT NOW.

DEPOSITION OF STAN LEE

10:28:48 1 REPORTING TO JIM GALTON.

10:29:14 2 Q. OKAY. WHEN YOU BECAME THE

10:29:16 3 PUBLISHER, WAS YOUR COMPENSATION BASED ON A -- A

10:29:24 4 SALARY -- WITHDRAWN.

10:29:25 5 WHAT WAS THE NATURE OF THE -- OR

10:29:29 6 THE STRUCTURE OF THE FINANCIAL ARRANGEMENT BETWEEN

10:29:31 7 YOU AND THE COMPANY ONCE YOU BECAME PUBLISHER?

10:29:33 8 A. AS FAR AS I REMEMBER, I WAS GETTING

10:29:35 9 A SALARY.

10:29:37 10 Q. AT THAT POINT IN TIME WERE YOU

10:29:38 11 GETTING ANY KIND OF PAGE RATE OR ROYALTY IN

10:29:45 12 RESPECT OF ANY OF THE WORK THAT YOU HAD DONE AS

10:29:48 13 CREATOR BEFORE THAT DATE?

10:29:51 14 A. NO, I NEVER RECEIVED ROYALTIES AND

10:29:53 15 I ALWAYS GOT A PAGE RATE FOR WHATEVER I WROTE.

10:30:23 16 Q. ARE YOU FAMILIAR WITH A PROPERTY

10:30:24 17 CALLED "THE FURY OF THE FEMIZONS"?

10:30:27 18 A. YES.

10:30:27 19 Q. WHAT CONNECTION, IF ANY, DID YOU

10:30:29 20 HAVE TO THAT PROPERTY?

10:30:30 21 A. WELL, I CREATED THAT, ALONG WITH --

10:30:37 22 WELL, I CREATED IT AND I HAD AN ARTIST NAMED JOHN

10:30:40 23 ROMITA DRAW IT.

10:30:41 24 AND IT WAS A ONE-SHOT. IT WAS ONLY

10:30:44 25 PUBLISHED ONCE IN A BLACK-AND-WHITE MAGAZINE THAT

DEPOSITION OF STAN LEE

10:30:47 1 WE THOUGHT WE WOULD PUBLISH FOR AN OLDER
10:30:51 2 READERSHIP.
10:30:52 3 WE NEVER DID ANY OTHER STORIES AND
10:30:54 4 JUST -- I DON'T REMEMBER WHY, BUT I THOUGHT "GEE,
10:30:57 5 I'D REALLY LIKE TO OWN THIS BECAUSE I DON'T OWN
10:31:00 6 ANYTHING ELSE."
10:31:01 7 AND I ASKED MARTIN IF HE'D LET ME
10:31:05 8 HAVE THE RIGHTS TO THAT BECAUSE MAYBE SOME DAY I
10:31:08 9 COULD SELL IT AS A MOVIE OR A TELEVISION SHOW.
10:31:11 10 AND HE SAID OKAY.
10:31:12 11 AND -- AND I RECEIVED SOME SORT OF
10:31:15 12 A DOCUMENT SAYING THAT I HAD THE RIGHTS TO IT.
10:31:52 13 Q. COULD YOU DESCRIBE, IF IT'S
10:31:56 14 POSSIBLE, AS A ROUTINE MATTER, THE DIVISION OF
10:32:00 15 LABOR BETWEEN THE ARTIST AND A WRITER OF A COMIC
10:32:03 16 BOOK THAT YOU WERE INVOLVED IN CREATING?
10:32:06 17 PICK ONE OF THE ONES YOU MENTIONED,
10:32:08 18 LIKE THE HULK OR DAREDEVIL OR -- OR EVEN
10:32:13 19 SPIDER-MAN.
10:32:14 20 A. WELL, BY THE TIME WE WERE DOING
10:32:16 21 THOSE SUPERHEROES, WE HAD AN UNUSUAL WAY OF
10:32:19 22 WORKING. IN THE PAST, THE WRITER WOULD WRITE A
10:32:22 23 FULL SCRIPT AND GIVE IT TO THE ARTIST AND HE WOULD
10:32:25 24 DRAW IT, LIKE A SCREENPLAY.
10:32:27 25 I STARTED A NEW SYSTEM WHERE I

DEPOSITION OF STAN LEE

10:32:28 1 WOULD JUST WRITE A BRIEF OUTLINE OF WHAT THE STORY
10:32:32 2 WAS. SOMETIMES I WOULDN'T EVEN WRITE IT. I WOULD
10:32:35 3 SIT WITH THE ARTIST AND I WOULD TELL HIM WHAT I
10:32:38 4 WANTED THE STORY TO BE.

10:32:40 5 AND THEN THE ARTIST WOULD GO AND HE
10:32:43 6 WOULD DRAW IT ANY WAY HE WANTED TO, AS LONG AS HE
10:32:46 7 FOLLOWED THE PARAMETERS I HAD GIVEN HIM.

10:32:51 8 HE WOULD BRING THE ARTWORK BACK TO
10:32:54 9 ME AFTER IT WAS DRAWN IN PENCIL AND I WOULD PUT IN
10:32:58 10 ALL THE DIALOGUE AND ALL THE CAPTIONS, ALL THE
10:33:01 11 COPY, BASED ON WHAT HE HAD DRAWN.

10:33:04 12 AND THEN THE REGULAR PRODUCTION:
10:33:08 13 IT WAS LETTERED AND COLORED AND INKED AND
10:33:11 14 PUBLISHED.

10:33:11 15 Q. IT WAS -- WHAT YOU'VE JUST
10:33:13 16 DESCRIBED TO BECOME KNOWN AS THE SO-CALLED "MARVEL
10:33:17 17 METHOD"?

10:33:18 18 A. THAT'S RIGHT.

10:33:51 19 MR. FLEISCHER: WOULD THE REPORTER
10:33:52 20 PLEASE MARK THAT. I THINK WE'LL CALL THEM LEE 1,
10:34:18 21 ET CETERA.

22 (WHEREUPON, DEFENDANTS' EXHIBIT NUMBER
23 LEE 1 WAS MARKED FOR IDENTIFICATION BY
24 THE DEPOSITION OFFICER AND IS BOUND
10:34:19 25 UNDER SEPARATE COVER.) --

DEPOSITION OF STAN LEE

10:46:39 1 POINT OF TIME, A LETTER WAS SIGNED BY BOTH PARTIES
10:46:47 2 REFLECTING AN ACKNOWLEDGMENT THAT MARVEL HAD NO
10:46:52 3 CLAIMS IN CERTAIN CHARACTERS?

10:46:54 4 A. I SEEM TO THINK SO, YEAH. SEEM TO
10:47:55 5 REMEMBER.

6 (WHEREUPON, DEFENDANTS' EXHIBIT NUMBER
7 LEE 4 WAS MARKED FOR IDENTIFICATION BY
8 THE DEPOSITION OFFICER AND IS BOUND
10:47:56 9 UNDER SEPARATE COVER.)

10 BY MR. FLEISCHER:

10:47:57 11 Q. NOW, MR. LEE, I'VE PLACED BEFORE
10:47:59 12 YOU WHAT WE'VE MARKED FOR IDENTIFICATION AS
13 EXHIBIT 4.

10:48:04 14 AND I ASK YOU INITIALLY IF THE
10:48:07 15 FIRST PAGE OF THAT DOCUMENT BEARS A COPY OF YOUR
10:48:11 16 SIGNATURE.

10:48:19 17 A. YES.

10:48:19 18 Q. AND IS EXHIBIT 4 THE AGREED UPON
10:48:21 19 LIST OF THOSE CHARACTERS OR PROPERTIES IN WHICH
10:48:28 20 MARVEL ACKNOWLEDGED THAT IT HAD NO CLAIMS OR
10:48:34 21 RIGHTS?

10:48:36 22 A. YES.

10:48:41 23 Q. AND THERE'S AN ATTACHMENT TO
10:48:47 24 EXHIBIT 4, THE FIRST PAGE OF EXHIBIT 4.

10:48:50 25 A. YES.

DEPOSITION OF STAN LEE

10:48:50 1 Q. IS THAT THE DOCUMENT OR INSTRUMENT

10:48:54 2 THAT YOU REFERRED TO A LITTLE WHILE AGO AS

10:48:59 3 REFLECTING MARVEL'S TRANSFER OF RIGHTS TO YOU IN

10:49:03 4 FEMIZONS?

10:49:03 5 A. YES. THERE WAS A TYPO. THEY

10:49:05 6 CALLED IT "SEMIZONS," BUT YES.

10:52:11 7 Q. AND APART FROM THE PROPERTIES OR

10:52:11 8 CHARACTERS IDENTIFIED ON EXHIBIT 4, WERE THERE ANY

10:52:12 9 OTHER CHARACTERS THAT YOU HAD THAT YOU HAD WORKED

10:52:12 10 ON DURING YOUR TENURE AT MARVEL THAT WERE NOT AT

10:52:12 11 THE TIME, AS YOU UNDERSTOOD IT, OWNED BY MARVEL?

10:52:12 12 A. NOT THAT I --

10:52:12 13 MS. COHEN: OBJECT TO FORM.

10:52:12 14 YOU MAY ANSWER.

10:52:12 15 THE DEPONENT: NOT THAT I KNOW OF.

10:52:12 16 WELL, THERE'S ONE EXCEPTION AND I

10:52:12 17 DON'T KNOW IF THIS IS RELEVANT, BUT THERE WAS A

10:52:12 18 TIME THAT I WROTE SOME COMIC BOOKS FOR A COMPANY,

10:52:12 19 A RESTAURANT COMPANY CALLED BIG BOY.

10:52:12 20 I DID THAT FOR MARVEL. MARVEL HAD

10:52:12 21 THE CONTRACT, BUT MARVEL DIDN'T OWN THE BIG BOY

10:52:12 22 COMIC BOOKS. IT WAS JUST SOMETHING THAT THEY DID.

10:52:12 23 I CERTAINLY DIDN'T OWN THEM EITHER.

24 BY MR. FLEISCHER:

10:52:12 25 Q. OKAY. WOULD YOU DESCRIBE YOUR

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF LOS ANGELES)
4

5 I, KELLI C. NORDEN, CERTIFIED
6 SHORTHAND REPORTER, CERTIFICATE NUMBER 7200,
7 FOR THE STATE OF CALIFORNIA, HEREBY CERTIFY:

8 THE FOREGOING PROCEEDINGS WERE TAKEN
9 BEFORE ME AT THE TIME AND PLACE THEREIN SET FORTH,
10 AT WHICH TIME THE DEPONENT WAS PLACED UNDER OATH BY
11 ME;

12 THE TESTIMONY OF THE DEPONENT AND ALL
13 OBJECTIONS MADE AT THE TIME OF THE EXAMINATION WERE
14 RECORDED STENOGRAPHICALLY BY ME AND WERE THEREAFTER
15 TRANSCRIBED;

16 THE FOREGOING TRANSCRIPT IS A TRUE AND
17 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;

18 I FURTHER CERTIFY THAT I AM NEITHER
19 COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID ACTION,
20 NOR IN ANY WAY INTERESTED IN THE OUTCOME THEREOF.

21 IN WITNESS WHEREOF, I HAVE HEREUNTO
22 SUBSCRIBED MY NAME THIS 1st DAY OF December,
23 2003.

24 Kelli C. Norden
25